IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

LA.App..No. 558 of 2004(D)

LAR.124/1996 of PRINCIPAL SUB COURT,PARAVUR
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APPELLANT: ADDITIONAL 2ND RESPONDENT:

THE SREE SANKARACHARYA UNIVERSITY OF
SANSKRIT,KALADY, REPRESENTED BY THE REGISTAR.

BY ADV. SRI.KRISHNAKUMAR MANGOT,SC,SANSKRIT UTY
SRI.B.S.KRISHNAN(SR.),SC,SANSKRIT UTY.
SRI.K.ANAND, SC, SANSKRIT UTY.
SMT.LATHA KRISHNAN,SC,SANSKRIT UTY.

RESPONDENTS: 1ST RESPONDENT AND CLAIMANTS:
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1. THE STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR, ERNAKULAM.

2. PAULO VARKEY,
PADAYATTY HOUSE, KALADY, ERNAKULAM DIST.

BY ADV. SRI.JAICE JACOB
SMT.ANU VENU

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 09/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO.558 OF 2004

Dated 9th October, 2007.

J U D G M E N T

Kurian Joseph, J.

This appeal is directed against the judgment and decree in LAR No.124/96 on the file of the Sub Court, North Paravur. The acquisition is for the construction of Sree Sankaracharya Sanskrit University, Kalady. On a perusal of the judgment, it appears there is an error apparent on the face of the record in fixing the land value. If as a matter of fact, the court wanted to follow the land value fixed in Ext.A4, it is only Rs.17,219/- per Are, whereas what is granted by the Land Acquisition Officer is Rs.17,319/- per Are. If that be so, there was no justification in granting enhancement at the rate of Rs.6,000/- per cent. According to the claimant, he is entitled to the land value at the rate granted in Ext.A1 document. Be that as it may, in view of the apparent error on the face of the record, we set aside the judgment and decree and remit the matter to the reference court for fresh consideration. Parties will appear before

the court below on 26.11.2007. They are at liberty to adduce fresh evidence.

I.A.2773/04 : Dismissed.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

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